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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International League for the Rights and Liberation of Peoples and the American Association of Jurists, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[12 March 1997]

1. According to the doctrine of national security, a non-conventional undeclared war is in progress in Colombia between the Government and the democratic and alternative political and social movements.

2. The "enemies of public order" are not only the rebel groups but also the civilian population which is regarded as possibly constituting the social and political base for those groups. The war is therefore total in political, economic, military and psychological terms and is evolving as the social resistance and opposition movements grow.

3. A striking feature of the doctrine of national security is the capacity of the military to adapt to this total war. One aspect of this response is the creation of their own army and a non-conventional force of soldiers and war specialists, or what is usually known as paramilitary bodies. These

"civilian soldiers" devote themselves to a policy of systematic violence against workers and peasants, teachers, political and trade union leaders, community and indigenous leaders and priests who defend human rights, in short against all those who in some form or another do not support the groups (economic, political or military) holding the power.

4. This concept of non-conventional war leads to acts of extermination against various social groups, perpetrated by hired assassins from the armed forces and civilians paid by landowners and drug traffickers or directly from army funds.

5. The systematic violence has also been used to dispossess small peasants and speed up the process of land concentration. This process began to take shape with the transformation of arable land into pastures and the incorporation of small farms into large estates. This has brought about a "redistribution" of land ownership, from the small plot to vast properties in the hands of a few merchants, industrialists, politicians and retired military personnel, which has already led to the enforced uprooting of some 1 million persons.

6. Colombia's "dirty war" thus conforms to a planned design for combating the popular and democratic sectors and serves the interests of the economic, political and military groups in power. The methods of the dirty war are:

(a) Selective assassination of popular leaders and activists;

(b) Arbitrary arrests and disappearances with the connivance of regional and local public prosecutors who provide the armed forces with blank arrest warrants on which the latter enter the names of their chosen victims. Anonymous witnesses give false evidence which contributes to giving an appearance of legality to the arbitrary arrests.

7. The armed forces/paramilitary relationship:

(a) "When General Farouk Yanine Díaz arrived in the region of Magdalena Medio in the early 1980s as commander of the XIV Brigade with its headquarters in Puerto Berrío, he tried to draw up a comprehensive anti-subversion strategy, involving the civilian population. This strategy seemed to be aimed at peacemaking, but it soon became a weapon, fuelled by the rage and despair generated among the inhabitants of the region by the guerrilla activities. Shielded by Decree No. 3398 promulgated in 1965, whereby military commanders were allowed to supply long-range weapons to peasants organized into groups which had been duly registered with the authorities, Yanine legally supported the so-called peasant self-defence groups. By this means the General was able to take vast areas of Magdalena Medio from the guerrillas and himself became a legend" (Síntesis, summary of the magazines Semana and Cambio 16, 2 December 1996). The success achieved by Yanine brought him promotion to Commander of the Second Army Division. This three-star general, whom some call "the man who pacified Magdalena Medio", has now been charged and is under arrest for his alleged participation in the massacre of Segovia on 11 November 1988 in which 43 persons were murdered;

(b) Colonel Hernando Navas Rubio, now demoted and confined to a military garrison, as an alleged participant in the Segovia massacre;

(c) One of the most dreaded paramilitary figures, who is serving a sentence for the murder of more than 700 persons, Alonso de Jesús Vaquero, alias "Vladimir", has informed against endless numbers of army officials and political bosses. In addition to the Segovia massacre, they are accused of the La Rochela massacre, inter alia, where magistrates and legal officials in Santander, investigating the disappearance of 19 tradesmen, were murdered;

(d) Colonel Carlos Alfonso Velásquez, second in command of the 17th Brigade in Urabá and Chief of General Staff, proved in a report to his superiors that there was official tolerance of the paramilitary movement (Alternativa magazine, No. 6, 15 February 1997), maintaining that the army should not commit itself to any extremes of violence because it would lose legitimacy. Referring to the Convivir peasant cooperatives set up by the Ministry of Defence (Decree 356/94 - Surveillance and Private Security Statute and 2535/93 - Regulations for weapons, ammunition and explosives), Colonel Velásquez says: "They would help to keep the peace in some areas of Colombia which have not experienced disturbances, but in regions like Urabá it is misguided and somewhat utopian to believe that they are going to remain sound and free from paramilitary infiltration. If the State is not able to control its own military and police, it will certainly not be able to control people who are not answerable to the State".

8. Impunity:

(a) Various army and police officers and non-commissioned officers are being investigated for their alleged responsibility in enforced disappearances, abductions, massacres, torture, extrajudicial executions and other crimes against humanity. Proceedings against them comprise 34 per cent of the total of 130 cases initiated (Alternativa, No. 6, 15 January 1997);

(b) According to a Human Rights Watch document published in November 1996, Las redes de asesinos de Colombia (Colombia's networks of murderers), an even more striking figure than the number of paramilitary leaders recognized as active in Colombia is the number of officers in the security forces implicated in massacres, assassinations and torture in complicity with the paramilitary, who continue in active service without interference;

(c) On 26 November 1996, the Supreme Council of the Judiciary transferred the case of General Farouk Yanine Díaz and other military personnel to military criminal justice. The decision was based on the fact that these persons were in active service in the Colombian army and that there was a causal link between the acts attributed to them and the military duties in which they were engaged (Alternativa, No. 6, 15 January 1997);

(d) The human rights report of the United States State Department (El Espectador, 31 January 1997) says of Colombia that the Samper administration took no action to check the increase in abuses committed by paramilitary groups, almost to the point of a policy of tacit acceptance. The report does recognize that the Public Prosecutor's Office has made progress

but expresses regret that paramilitary leaders such as the drug traffickers Carlos and Fidel Castaño and the emerald magnate Victor Carranza have remained out of reach of justice. With reference to the proceedings it goes on to say that although military leaders warmly supported the cases (being investigated by the Public Prosecutor) brought against the guerrilla leaders, they objected strongly to and in some cases tried to obstruct the course of proceedings against members of the armed forces and paramilitary personnel. The report calculates that impunity covers between 97 and 99.5 per cent of the cases and notes that all the foregoing calls in question the limited democracy and the rule of law in Colombia. As evidence of these violations and in defiance of the courts, the drug traffickers and paramilitary figures Fidel and Carlos Castaño, in a letter to the Ombudsman published in El Tiempo on 21 January 1997, state: "We are an anti-subversive organization with political, social and economic aims who carry out armed counterinsurgency activities; ... we do not claim to be a substitute for the State but to supplement its action in places and circumstances where its presence is insufficient or non-existent".

9. All the above reveals the links between the Colombian police and armed forces and their paramilitary groups.

10. The International League for the Rights and Liberation of Peoples and the American Association of Jurists (a) urge the international community and particularly the United States and the European Union immediately to suspend all military aid to Colombia, including training, services and arms deliveries; (b) urge the Colombian Government to suspend the military officers involved in crimes against humanity and to put an end to the association between the military and the paramilitary.